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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 July 1998]

I. INTRODUCTION

1. According to Charter 97, an independent civic movement, nearly 3,000 people in Belarus have been victims of political oppression from 1995 to 1998. This number includes students, journalists, workers and deputies of the Supreme Soviet. The Government's persecution ranges from arrests and detentions for passing out leaflets or independent newspapers to dismissal from jobs for expressing negative opinion of the Government, and beatings for simply speaking Belarusian. Human rights abuses are becoming increasingly severe as the Government controls more and more of civic society.

2. At the fifty-fourth session of the Commission on Human Rights, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Mr. Abid Hussain) presented an addendum to his report (E/CN.4/1998/40) on his mission to the Republic of Belarus (28 May to 1 June 1997), which concluded that suppression of the media and freedom of information was severe, with dire consequences for human rights and the rule of law.

3. The Belarusian Government has not complied with any of the recommendations made by the Special Rapporteur on freedom of expression. Moreover, the media situation in Belarus has worsened significantly since the Rapporteur's report to the Commission on Human Rights.

II. FREEDOM OF SPEECH, ASSEMBLY AND THE PRESS

4. As the United Nations Special Rapporteur concluded: "during his campaign, President Lukashenko had pledged, inter alia, to end the State monopoly on mass media, end political censorship and persecution of journalists for political reasons and allow independent distribution of information, thus acknowledging the problematic nature of State-controlled communication" (E/CN.4/1998/40/Add.1, para. 9).

5. However, President Lukashenko has not fulfilled his promises. Ample documentation has been supplied by the Belarusian Association of Journalists, article 19, the Committee for the Protection of Journalists and others, that the State holds a monopoly on mass media, and both censors information and spreads disinformation. The Government's persecution of non-Government-owned newspapers and mass media companies who have carried critical coverage of the situation in Belarus continues with renewed strength. Journalists fulfilling their professional duties are beaten, harassed, and imprisoned.

6. The Government has made no effort to guarantee the right to seek, receive and impart information. In early 1998, three Government initiatives further restricted freedom of speech and distribution of information:

(a) A new law requires that special permission be obtained for the dissemination of all manner of legal information, i.e. information pertaining to the law or legislation in general, presidential decrees, provisions of the Government, regulations of ministries, etc., as well as commentary. A broad interpretation of "legal information" could restrict human rights activities which are based on analysis of legislation;

(b) Two other new laws decree the creation of a "Public Council on the Press", a disguised censorship body, composed of State officials appointed by the Government with none of the independent media represented, which will rule on media-related cases; and

(c) Thirdly, a secret directive, issued in March 1998, prohibits Government officials from making any comments to the independent press.

The case of Pavel Sheremet

7. In 1996, several ORT (Russian public television) journalists were arrested and held in pre-trial detention for prolonged periods.

8. On 7 July 1997 Pavel Sheremet, ORT Minsk bureau chief, was stripped of his accreditation for alleged systematic "intentional distortion" of information about events in Belarus. In spite of this, Sheremet, with crew, continued working for ORT on an assignment to film the Belarusian-Lithuanian border zone. When ORT aired a piece on smuggling in the area which included his footage, Sheremet and his crew were arrested for having "unlawfully crossed the border". President Lukashenko personally singled him out for attack. The court sentenced Sheremet to two years of imprisonment suspended for one year. His appeal was rejected and he is currently unable to practise his profession or travel abroad.

Youthful offenders: Alyaksey Shydlouski and Vadim Labkovich

9. The treatment of Vadim Labkovich and Alyaksey Shydlouski, teenage members of the youth branch of the Belarusian Popular Front prosecuted for graffiti-writing in February 1998, clearly illustrates the emerging pattern of intimidation and punishment of youth.

10. Police arrested and detained Shydlouski and Labkovich in August 1997, on charges of "hooliganism" and "the defacing of State symbols for writing anti-Lukashenko graffiti on State property". Sixteen-year-old Labkovich and 18-year-old Shydlouski were held without bail for six months prior to trial (despite the non-violent nature of the crime and the youth of the accused). Prison guards allegedly beat Shydlouski when he announced a hunger strike. Labkovich, a minor, was held together with adult detainees.

11. Labkovich and Shydlouski were convicted on charges of "malicious hooliganism" rather than the misdemeanours normally applied to graffiti. Disproportionately to the offence, the Minsk Regional Court sentenced Labkovich to one and a half years in prison, suspended for two years, and Shydlouski to one and a half years in a strict-regime labour camp.

The case of Yury Khashchevatsky

12. On the night of 23 December 1997, Yury Khashchevatsky, an internationally renowned documentary film director, was severely beaten and injured by two unidentified men who broke into his Minsk studio after European screenings of his controversial film about President Lukashenko. No valuables or equipment were stolen or damaged, indicating the probability that the perpetrators were Government-instigated.

Freedom of assembly

13. Over the past few years, peaceful demonstrations have been dispersed systematically by violent means. Demonstration organizers have been repeatedly threatened; journalists beaten; participants and bystanders have been arrested and fined on fabricated charges and detained without trial for many days.

14. In 1997, President Lukashenko issued Decree No. 5 on Demonstrations which severely curtailed the fundamental right to assembly. The decree forbids the use of unregistered flags, as well as posters and other objects deemed to insult officials of the State. Participants of unsanctioned demonstrations may be subject to exorbitantly high penalties. The decree, codified into law on 5 December 1997, empowers the authorities to change the time and location of a demonstration, and even the number of authorized participants.

15. According to Human Rights Watch, during 1997 police regularly broke up demonstrations using excessive violence that seemed aimed more at spreading terror than at restoring or protecting public order. Bystanders, including elderly women and children as young as 14 years old, faced trial on fabricated charges. Judges refused to allow testimony by defence witnesses and based their decisions on testimony from police officers. Fines range from US$ 100 to $800. (The average monthly salary is less than $100.)

16. Similar detentions, beatings, and fines continued in 1998, notably the harassment reported by the League at the annual Chernobyl Procession (26 April 1998) and Labour Day (1 May 1998) have indicated that the Special Rapporteur's recommendations have not been implemented.

III. GOVERNMENT TAKEOVER OF DEMOCRATIC INSTITUTIONS

17. In July 1996, the Supreme Soviet refused President Lukashenko's demands that it extend his term and limit the powers of the Constitutional Court by creating a second, presidentially chosen legislative chamber.

18. In November 1996, fearing an impeachment campaign, President Lukashenko held a "national referendum" on amending the constitution to broaden the powers of the executive. According to official results, the referendum yielded a large majority of votes favouring the President's proposal. The 13th Supreme Soviet was dissolved and the new constitution adopted. The judicial branch of power was made subservient to the executive, thereby destroying the system of checks and balances and concentrating executive and legislative power in the hands of Lukashenko. Moreover, riding on the support of the referendum, the President extended his term by two years.

The new constitution

19. On 15 March 1994, the Supreme Soviet of the Republic of Belarus adopted a new constitution, which was hailed as proof that Belarus valued democracy and respect for human rights. Four years later, the constitution has been amended to repress these very civic freedoms.

20. The new constitution subordinates the legislature and judiciary to the executive. The President can hand-pick the lower chamber of the National

Assembly (the new parliament), and bypass the legislature altogether. However, the Organization for Security and Cooperation in Europe (OSCE), Parliamentary Assembly has not recognized this non-elected body, but continues to recognize the disbanded 13th Supreme Soviet.

The Constitutional Court and the 13th Supreme Soviet

21. In November 1996, the Constitutional Court ruled that the referendum on constitutional amendments was not legally binding, but Lukashenko overruled the decision by decree, forcing Chief Judge Valery Tikhinya and others to resign. The new Constitutional Court, hand-picked by the President, upheld the amendments.

22. After its disbanding, some deputies of the Supreme Soviet became involved in the unofficial opposition and were offered ambassadorial or government positions as bribes in return for which they would cease their criticism of President Lukashenko. Others came under constant Government attack, suffered the intimidation of their family members, and were subject to detentions, beatings, and imprisonment on fabricated criminal charges. Currently two deputies, Vladimir Koudinov and Andrei Klimov are political prisoners in Belarus.

IV. SUPPRESSION OF THE BELARUSIAN LANGUAGE AND CULTURE

23. Those speaking the Belarusian language have suffered a number of curtailments, including beating by police, when trying to participate in their national culture. More than a dozen Belarusian-language courses have been forced to close.

24. The Belarusian Cabinet of Ministers has issued a plan to liquidate the Belarusian Lyceum, the only public institution that teaches in the Belarusian language, by merging it with a Russian-language high school. The students' parents delegation strongly objects to the plan because they consider it a flagrant violation of their children's constitutional right to receive education at an institution of their choice.

V. THE RIGHTS OF WOMEN IN BELARUS

25. Women as a social group are almost isolated from politics and the decision-making process. There are only five women in the new, presidentially hand-picked National Assembly.

26. In 1996, the Government reported that 21,421 women were victims of various crimes, including rape. But experts say that the numbers of sexual assault crimes are 5 to 10 times higher than the official records. Prostitution has become a recourse for young women who cannot make a living. Many have fallen victim to trafficking schemes and forced prostitution abroad in their efforts to find job opportunities.

27. The maternal mortality rate in Belarus is 17.7 per 100,000 births. Abortion is frequently used as the only available form of birth control. The underfunding of health care in Belarus has led to the lack of special medical facilities for women.